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ABSTRACT

The author reviews the history, philosophy, and administrative organization of New York City's Mayor's Office for the Handicapped (MOH). The office's bill of rights is set forth and its activities in advocacy, particularly for physically handicapped people are recounted. The beginnings of the MOH are traced from reactions to a 1967 order to ban parking in the midtown area with no exceptions made for handicapped drivers. Building blocks of the office are explained to include special projects and working committees, referral and followup, legislation and grant efforts, and fact finding and public information. The MOH's achievements and limitations are discussed. Future efforts and implications of Section 504 of the Rehabilitation Act of 1973 are considered. (CL)

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A RIGHT AND NOT A PRIVILEGE

by

Mollie Shaw

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MAYOR'S OFFICE FOR THE HANDICAPPED

A STUDY REPORT for Empire State College and New York City Mayor's Office for the Handicapped

Edward I. Koch
Mayor

Julius A. Shaw
Director

"A RIGHT AND NOT A PRIVILEGE"

A Report On New York City's Mayor's Office For The Handicapped

As a Microcosm And A Symbolic Representation Of The Emerging Handicapped Minority In Its Efforts To Establish, Maintain and Continue Its Self Determination

by

Mollie Shaw

MAYOR'S OFFICE FOR THE HANDICAPPED - September, 1979

To my husband, Julius A. Shaw, without whom no one would have been able to write this history

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"Sign Language Drawing" by ANDREA F. BLAU-----

I. INTRODUCTION

"Throughout history treatment of the disabled has ranged from death to exclusion, ridicule to pity. Philosophy and religion provided intellectual justification, literature and drama for the sterotypes."[1]

Item 1981 will be the "Year of the Disabled," by Proclamation of the United Nations.

Item 1977 - Joseph Califano, Secretary of the U.S. Department of Health, Education, and Welfare, signs implementation for Section 504 of the Rehabilitation Act of 1973, which reads:

> No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.[2]

Item 1968 - Inclusion in New York City's Human Rights Act of handicapped people, as a recognized minority group.

Item 1968 - Mayor Lindsay creates New York City's Mayor's Advisory Committee on the Handicapped; and in

Item 1973 - New York City's Mayor's Office for the Handicapped becomes a reality. It has served as a model for 200 other agencies in the United States as an advocate agency for the needs and human rights of handicapped people. As Larry Allison, Deputy Director of the MOH, explained:

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[1]Julius A. Shaw, (unpublished Baccalaurate Degree Program, Empire State College, SUNY, 1975), p. 1.

[2]U.S. Department of Health, Education, and Welfare, Section 504 of the Rehabilitation Act of 1973 Fact Sheet, July 1977.

> Previous to this, health services and rehabilitative services were the only function of agencies for the handicapped. The health and welfare services.[3]

As barrier free design in buildings and transportation, curb cuts, lower telephones and water fountains, accessible bathrooms, braille instructions on elevators, and interpreters for the deaf become more commonplace, there is a growing knowledge in the general community that these changes will assist rather than encumber the able-bodied population in many areas. These are some of the changes that will facilitate the inclusion of handicapped people into the mainstream of life. A goal which is now a realizable aspiration that all of us must become ready to accept.

Technology and electronics are being utilized to create sophisticated assistive devices.

At the White House Conference on Handicapped Individuals in 1977, President Carter announced that 36 million Americans are disabled, according to the definition of Section 504.[4]

While the climate is changing, employment percentages are not. In 1963, 50% of handicapped males and 75% of handi-

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[3]Interview with Larry Allison, then Acting Director of the Mayor's Office for the Handicapped, March 3, 1978.

[4]According to the statute, "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment," is considered handicapped.

capped females were unemployed.[5] During our interview, Allison said that at the present time, 50% of handicapped men are unemployed and 74% of the women. He said: "When I hear about the 30% unemployment rate of other minorities, that would be a major breakthrough for us."

Contrast in expectation, however, is vivid. In 1963, the book cited above, Disabled Workers in the Labor Market, selected for its study only "the disabled man who had been employed and seriously, permanently injured in the course of that employment." In the interest of analyzing the situation of potentially employable handicapped people, the study:

> ...excluded not only women...but also that unknown number of men so disabled from birth or childhood injuries and illnesses that they never enter the labor force, or, at best, remain in it only marginally.[6]

Interestingly, this study took place after what many have considered to be the most important turning point for handicapped people: The Second World War. During that war, the medical knowledge with the use of rehabilitative techniques was unprecedented[7] --then amplified, and used on countless non-veterans who became capable of returning to the mainstream of American Society. During the war, the attendant labor shortage created employment opportunities for handicapped citizens, who had never before been employed.

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[5]A. J. Jaffe, L. Day and Walter Adams, Disabled Workers in the Labor Market (Totowa, N.J.: The Bedminster Press, 1964), p. 2.

[6]Ibid., p. 1.

[7]For an insightful description of the development of rehabilitation techniques beginning during World War II, read A World To Care For, the autobiography of Howard A. Rusk, M.D. (New York: Random House, Inc., 1977).

The hopes of rehabilitated people were aroused, but the apathy and prejudices of the able-bodied workd remained. Nevertheless, the physical and attitudinal barriers were no longer sufficient, once a large number of rehabilitated, physically handicapped people had been promised and tasted the fruitful, active and participatory lives hitherto considered out of bounds for them.

First came the few hardy pioneers. They demanded and got recognition of their special need to park by meters for an unlimited time. The first law in recognition of the special needs of handicapped citizens was passed in New York City in 1966 for holders of Special Vehicle Identification Permits (SVIP).[8] The New York City Building Code was changed, elimina-inating many architectural barriers from future buildings larger than two family houses (1968).

The community of handicapped people began to grow and as a result of their efforts, the Mayor's Office for the Handicapped became established in New York City, serving the then revolutionary pivotal role as advocate.

The new era for handicapped people was beginning.

It is important to be aware that brave individuals broke through the system before World War II. Helen Keller, blind and deaf, was, by herself, hope to the handicapped person and a bridge to the able-bodied population. Ida Levine, disabled

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[8] Permit gives special parking rights to disabled driver.

by cerebral palsy, sat in Governor Lehman's office until she got the civil service job she had passed the State test for. And, of course, there was President Franklin Delano Roosevelt. "Except half the country didn't know he was handicapped," Allison drily noted during our interview.

My interest in the handicapped community began when I married Julius A. Shaw, a victim of polio from eight months of age, now wheelchair bound. Julie was one of the many handcapped people who secured his first employment during World War II. He was one of the pioneers, as Legislative Director of the Handicapped Drivers Association, and achieved the first legislation recognizing their special needs by allowing unlimited parking at meters (NYC: 1966). As President of the Architectural Barriers Committee, he wrote the new legislation to begin to eliminate many architectural barriers via the New York City Building Code, and testified for its passage before the City Council (1968). He was a charter member of the Mayor's Advisory Committee on the Handicapped (1968). In March 1978, Mayor Koch named him as Director of the Mayor's Office for the Handicapped.

Inclusion of my husband's participation in the work of the handicapped community is not meant to be biographical, but rather as the most siginficant source in my "methods of research" for two reasons:

1 - As can be realized by glancing at the dates of the "items" on page 1, the field of advocacy is new and still

experimental--little has been written by the most qualified experts of all, handicapped people.

2 - The extrinsic difficulties borne by handicapped people when attempting to use their abilities and live an otherwise "normal" and dignified life style can best be understood through intimate experience. For example, I've already said that my husband was one of the fortunate handicapped people in finding employment immediately after graduation from High School. However, when we decided to marry, my entire family and their spouses "with the best of intentions" begged us to reconsider, sure that he could never support a family--were we to have one. As it turned out, they were not too wrong. A few years after our twins were born, Julie asked the Division of Vocational Rehabilitation for training as a programmer to improve his income (1961). The Counselor there told him: "You're lucky to have a job at all. We're not in the business of upgrading." He then tried the employment agencies (jobs were plentiful in the early sixties). He was turned away. When I followed up, going to the same agencies, I asked about employment "for a handicapped friend of mine." The interviewers at three agencies told me they wouldn't dare send a handicapped person for a job because the employers would never come to them again.

My participatory action with the budding community of the handicapped for the formation of the Mayor's Office for the Handicapped, with their efforts to insure its budget in 1973, and with the Ad Hoc Committee for the Director of the

Mayor's Office (1978)[9] was of major importance in completing this study.

Field work at the MOH, during the transition of Directors, was a direct method of research. Interviews with the Deputy Director--then Acting Director--Larry Allison, as well as with the previous Director, Eunice Fiorito (in Washington, D.C.), and the new Director, Julius A. Shaw, were conducted. The following staff members were also interviewed: Carroll Kowal, Housing Coordinator; Simon Podair, Health Coordinator; Catherine Thomas and Deborah Belsky, Non-Competitive Programs Coordinators; Anita Hinds, Executive Secretary; and Richard Seltzer, Supervisor of the Center for the Handicapped at 61 Chambers Street. Their knowledge and assistance, given unstintingly, were inestimable.

Attendance at the 1978 annual meeting of the American Coalition of Citizens with Disabilities held April 30 to May 2 at the Sheraton National Hotel in Arlington, Virginia, gave me the opportunity to partake in an all-day workshop concerning Section 504 and the HEW Regulations and to exchange information with community leaders from across the nation.

At the 1978 annual President's Conference for Employment of the Handicapped held May 3-5 at the Washington Hilton Hotel in Washington, D.C., I was able to observe first-hand, and have explained, some of the technical advances individual

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[9]The actions of the Ad Hoc Committee are more fully described in Section VI, "Community Participation and Interaction."

ingenuity and industry have come up with in creating new assistive devices for handicapped people. The PCEH is an edifying experience if only for the opportunity it gives to go through its concurrent Exhibition.

My attendance at the New York City hearing on April 26, 1978, at the World Trade Center, to receive comments on the New York State draft plan for implementation of PL 94-142 revealed basic lacks in the prepared plan--such as no reference to the removal of architectural barriers. The hostility and prejudice of many of those who had come to the hearing opposed to the basic concepts of the law itself were also noted.

The many reports read, some of which are listed in my Bibliography, may well lead an observer to believe the situation has been "studied to death." An unfortunate result of many of the seminars is the belief that stating the problems means giving the answers.

My Bibliography also includes significant events and achievements. Much specific information as to the problems of rehabilitation--physical, psychological, and environmental --can be attained from the books listed.

Mollie Shaw
June 1978

II. PHILOSOPHY

"Although the Mayor's Office for the Handicapped was seen--or rather sees itself--as an Office of advocacy, the word itself was never used in the official literature. However, the Office functions in a variety of ways that advocate. First, the Office is part of the Executive Branch and reports directly to the Mayor. Its role is to prick the consciences of city agencies to be responsive to the needs of handicapped individuals. Once we have done this, we have to be available to provide ongoing encouragement and technical assistance." -- Eunice Fiorito, then Director of New York City's Mayor's Office For The Handicapped.[1]

Having survived the "Era of Revolutions" of the 1960's, Americans in the late 1970's upon reading the following "Bill of Rights" may find parts predictable and repititive of civil rights demands they themselves may have chanted for one minority group or another. Therefore, the reader is urged to first identify himself or herself, or a close friend or relative who, by any definition, is physically disabled; or, to imagine and project such a condition; or, failing these alternatives, to conjure up any stereotype of a handicapped person preliminary to reading the following:

THE MAYOR'S OFFICE FOR THE HANDICAPPED

Bill of Rights.

The philosophy of the Mayor's Office for the Handicapped is expressed in its Bill of Rights.

It includes:

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[1]Nicholas A. Pagano, Jr. (Ed.), Contemporary Social Issues in Rehabilitation, Proceedings of a Conference Sponsored by the Mayor's Office For The Handicapped, November 21-23, 1975. New York City, p. 60.

- The right to health and rehabilitation services.
- The right to full educational opportunities.
- The right to equal opportunity in employment and to special work opportunities for the severely disabled in sheltered workshops.
- The right to decent housing.
- The right to barrier free buildings.
- The right to a guaranteed minimal income.
- The right to decent institutional care.
- The right to effective anti-discrimination legislation.

Its goal, therefore, is a full and productive life for every handicapped New Yorker.[2]

The goal and Bill of Rights enunciated by the MOH reflect the equal opportunity expectations of all Americans. In our current social climate, they are seemingly self-evident statements. It is only when these civil and human rights are attributed to handicapped people--visualizing what we historically conceive handicapped people to be--that the truly revolutionary nature of these deceptively simple assertions becomes manifest. Because of our history, not only the able-bodied but more handicapped people themselves have accepted the belief that a physical disability of one kind carries with it the "spread" Beatrice Wright described in her book Physical Disability--A Psychological Approach. For example, even though it is commonly assumed that a blind person's other senses, such as hearing, will be heightened, one may experience the tendency of people to take more loudly and

[2]Brochure: Mayor's Office For The Handicapped. New York City: 1973.

more slowly to the blind person:

> Physical deviation is frequently seen as the central key to a person's behavior and personality and largely responsible for the important ramifications in the person's life. This spread holds for both the person with the disability and those evaluating him.[3]

Now, if you have placed yourself in the conditioned isolation that being physically handicapped traditionally connotes, intuited the stigma and network of social institutions which serve to incarcerate[4] the handicapped either in institutions or in their homes, and then read the philosophy of the MOH, reasonable questions would be: 1) How did this profound attitudinal change, not yet too apparent in every day life, come about? and 2) How were the terms articulated?

The answers to both questions are the same: through the efforts and knowledge of the emerging handicapped community, spearheaded by rehabilitated physically handicapped (RPH) people.

"Rehabilitation can be defined as the process whereby an individual, stricken by injury of disease, is treated by doctors and trained by occupational and social specialists to reach his fullest capacity," Shaw states in an article in the Journal of Occupational Therapy, and continued:

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[3]Beatrice A. Wright, Physical Disability - A Psychological Approach (New York: The Macmillan Company, 4th ed. 1955), p. 118.

[4]During my interview with Larry Allison, Acting Director, MOH, he said: "They've been incarcerated. Incarcerated in their homes. I say that word very deliberately. Incarceration: where you cannot exercise the options that your peers--who are not disabled, or less disabled--can. Incarceration. That's the end result. It comes down to a question of rights." March 3, 1978.

> The patient is then discharged from the rehabilitation center into a world not designed for him--a world in which some of the most ordinary activities of life are denied to him. What, then, are the major problems faced by the rehabilitated physically handicapped? They can be listed, not necessarily in order of importance, as follows: housing, education, employment, transportation, and recreation.[5]

Working to help defray the additional expenses handicapped people must bear, Maurice Ward--an early activist for tax reform on behalf of disabled people (still not enacted)--said: "We want to be tax payers NOT tax eaters." Example: For many orthopedically handicapped people, an automobile is transportation and liberation. Without it, the person whose mobility is restricted can go only as far as his appliances will permit because public transportation is inaccessible. A salesman may deduct the expenses of his automobile--the handicapped driver may not, even when without it, he is denied access to everything, including employment.

The "Professionals" (social workers, medical and rehabilitation specialists) were peculiarly unresponsive to involvement with their former patients' and clients' needs for independent living and self-determination. For the most part, they preferred to return to the familiarity of their individual disciplines to "tell" without having to "listen"--a situation which so soured some of the militant activists of the community that to this day they have difficulty in forming the necessary alliances with progressive community-oriented providers.

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[5]Julius A. Shaw, "Architectural Barriers: A Medical Problem," American Journal of Occupational Therapy, No. 25 (January 1971). p. 13.

The burgeoning community of activists united and early inroads were made in the legislative battle in New York City and representation attained by the establishment of the Mayor's Office For The Handicapped with its significantly new philosophy.

The Office sponsored conferences to explore the rights and needs of the handicapped in today's milieu. In a three day conference on Contemporary Social Issues in Rehabilitation, participation of handicapped people was a primary aim. The purpose of the Conference was threefold:

> (1) To make rehabilitation personnel aware of the life style of the severely disabled individual.
>
> (2) To inform rehabilitation personnel of new Federal laws which are changing social structures and
>
> (3) To develop skills as advocates on behalf of their clients.
>
> In addition, the Conference Committee endorsed the concept of giving rehabilitation personnel a "disabled experience." The goal of the Conference was to expand theprofessional skills of rehabilitation workers to include advocacy...One rehabilitation worker, in the evaluation, stated, "This was the first time I realized my clients were people who had lives outside of their training programs.

Eunice Fiorito, at that time Director of the MOH, defined Advocacy at that Conference:

> Advocacy, as I understand it, is the process of positive change toward the solution of problems within the public or private sector performed by individuals or groups through the use of varying and various psycholosocial (sic), political, and educational techniques. That is a broad definition, but it seems to me it's what everyone at

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[6]Nicholas A. Pagano, Jr. (Ed.), op. cit. pp. 1-2.

this panel has been essentially saying.[7]

The philosophy of the MOH has radiated to the social and welfare concepts, and this unique and innovative Office has also served as a model for more than 200 other agencies in the United States.

Basic to understanding the philosophy of the MOH is the realization that it was envisaged and created by and for handicapped people. A physically handicapped New Yorker sent the original Proposal for such an agency to Mayor Lindsay in February 1967. In "Summation," that Proposal reads:

> SUMMATION
>
> 1. An AGENCY to be the central clearing house for all information pertinent to the multi-problems of the rehabilitated physically handicapped - re: Employment and Advancement, Education, Architectural Barriers, Recreation, Transportation.
>
> 2. To provide this information to the physically handicapped as well as government agencies, business organizations, and private citizens.
>
> 3. To secure and protect for the handicapped citizens their right to function as members of a democratic society.
>
> 4. To act as "A Friend of the Court" in directing handicapped citizens to the area wherein their problems may be solved.[8]

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[7] Ibid. p. 59.

[8] Julius A. Shaw, "Proposal for a New York City Agency to Deal with the Multi-Problems of the Rehabilitated Physically Handicapped." Unpublished proposal delivered to Mayor Lindsay February 1967, p. 7

It is fitting to end this section with a brief excerpt from the "Forward" of the 1974 Annual Report of New York City's Mayor's Office for the Handicapped:

> You have before you the report of the New York City Mayor's Office for the Handicapped for the calendar year 1974 and the first three months of 1975. It is not merely the annual report of another government agency. It represents a piece of history. The history of a social movement. A movement for dignity and independence 9 for more than one million disabled New Yorkers.

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[9]New York City Mayor's Office for the Handicapped. Annual Report-1974. New York City: 1975.

III. HISTORY

"Government reacts to a constituency that is broadly organized. There is an acknowledged need for concerted and systematic pressure, and minitoring of all agencies on behalf of all of the handicapped citizens of this city." - Eleanor Holmes Norton, then Chairperson of New York City's Commission on Human Rights.[1]

The history of the MOH is short. It is only a few years younger than the efforts handicapped people toward a viable community. Its roots were New York City's Mayor's Advisory Committee on the Handicapped, and its seed was a gigantic political goof--the tow-away order in 1967 to ban parking in the Midtown area--no exceptions. That ban included holders of the Special Vehicle Idenficiation Permit (SVIP), which allows the handicapped drivers to park in No Parking Areas.

The 1967 Tow-Away Edict

At the time of the tow-away edict, the SVIP was a privilege granted by the Traffic Department to a very small class of handicapped drivers. The driver could only use the card to GO to work or school. handicapped driver who was a wife and mother, for instance, did not fulfill those qualifications. She would not be granted the SVI permit even though her occupation in caring for her children's needs necessitated

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[1] Edith F. Lynton, The Physically Handicapped Citizen: A Human Rights Issue. A report and Recommendations Based on a Conference Held by the New York City Commission on Human Rights in Cooperation with the Mayor's Advisory Committee on the Handicapped, Fall 1971. Report issued: September 1972, p. 23.

the mobility using an automobile gives the orthopedically disabled. (These strictures were subsequently changed by law in 1971 and the SVIP is issued by the NYC Traffic Department to those who qualify by physical disability. As the community demanded, it is now "a right and not a privilege," to be used as required.)

At the time of the tow-away edict, a small group of rehabilitated physically handicapped persons had spearheaded the community effort and achieved their first legislative success: In 1966 the New York City Council had enacted their Bill giving SVIP holders the right to park at meters without payment. (The privilege of having the permit was NOT law!)

The toddling community's next target area was mandated exclusion of many architectural barriers to be written into the new New York City Building Code. To achieve this, an unprecedented coalition of physically handicapped consumers and provider groups was created--the Architectural Barriers Commiteee--representing 250,000 people in the Metropolitan area. The coalition unified previously splintered factions such as groups and individuals representing cerebral palsy, multiple sclerosis, The March of Dimes, and blind people; only the deaf were not represented in the ABC's original formation. The ABC was conceived, initiated and run by handicapped people. Alliances and friendships with sympathetic politicians began to be molded.

The newly-recognized RPH leaders began receiving frantic calls from drivers who heard that the City Club's study and recommendation to include their cars in the ban from the midtown area was going to be put into effect. Foreign embassy cars were protected by the Federal government, and doctors were powerful, rich and experienced in lobbying via the American Medical Association. Who would protect the handicapped worker, so totally dependent on his automobile for his livelihood and independence?

Heady with some success, the RPH leaders approached officials and politicans. But letters, phone calls, meetings, even promises, were meaningless: the edict was issued.

In a bleak, freezing week in January, the sun shone and the weather warmed for one day: the day physically handicapped people demonstrated en masse at City Hall; the day the tow-away started. On their crutches, with their canes and orthopedic devices, and in their wheelchairs, they carried picket signs and chanted and were determined. For, by now, a community of the physically handicapped had been born.

The call for a demonstration was issued as late as the night before. Until this demonstration, New York City had perhaps not been aware that so many handicapped people were self-supporting. Gabe Pressman, on his TV program that evening, referred to the physically handicapped population as the "most forgotten, least thought of minority."

The demonstrators would not leave until a hastily formed Ad Hoc Committee met with the Mayor's representatives and acceptable promises were given.

If the history books of the United States begin with Columbus landing in America in 1492, the history of the MOH began on that day in January, in front of City Hall.

Shaw was an organizer of the demonstration and one of the Ad Hoc Committee negotiating with the Mayor. In his "Proposal for a New York City Agency to Deal with the Multi-Problems of the Rehabilitated Physically Handicapped" sent to the Mayor the next month, he wrote:

> Consultation with the AGENCY would have prevented the severe disruption of the lives of some hundreds of people and the attendant embarrassment suffered by the City Government.[2]

The Mayor's Advisory Committee on the Handicapped

Following several weeks of heated dickerings, the SVI card holders were exempted from the tow-away edict and on April 8, 1968, Mayor Lindsay created his Mayor's Advisory Committee on the Handicapped, by Executive Order Number 72, "to review the needs and problems of the handicapped and to advise the Mayor of the courses of action that should be taken in the public and private sectors to meet their needs."

Initially, twelve New Yorkers, disabled and nondisabled, were appointed to serve on this Committee:

> Seven were orthopedically handicapped. Three were rehabilitative physicians--one of whom was orthopedically handicapped. One was an executive of an agency serving multiply handicapped persons.

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[2]Julius A. Shaw, loc. cit., p. 6.

> One was Chairman of the Board of an agency serving orthopedic persons. One was a businessman and parent of a handicapped child.
>
> For the first two years of the Committee's existence, support services were provided from the Mayor's Office on a part-time basis.[3]

The disabled community was at first jubilant. However, the Chairman, an otherwise busy person, called only a few sporadic and dispiriting meetings and for the first two years, very little was accomplished. In 1970, a full-time staff person was appointed as Coordinator--a tall, blind, redhead, who, for three and one-half years preceding her appointment, had served as Director of Social Work and Rehabilitation for the NYU-Bellevue Medical Center--Eunice Fiorito.

Mrs. Fiorito had not been active in the growing handicapped community activities, which to that point had primarily been oriented to the needs of the orthopedically disabled. Unlike the busy Chairman of the Advisory Committee, she involved herself with the community--the constituency which organized about the Committee.

A flurry of activities ensued which are well documented in a single spaced, 42 page "1972 Report to the Mayor." The aim was to attack the apathy toward the "living" problems of the disabled. Liaison was made with departments and agencies of Government to support policies and programs pertaining to handicapped persons, to encourage them and to give technical assistance. The Committee was divided into seven Subcommittees

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[3] History and Background of the Mayor's Advisory Committee on the Handicapped. A Report to the Mayor issued 1972. p. 2.

dealing with Legislation, Services, Transportation, Architectural Design and Housing, Education, Employment, and Awards.

The activities of the Subcommittees were uneven, dependent on the commitment of the voluntary participants. Nevertheless, public hearings and conferences were held with relation to special education for handicapped children, human rights, governmental approaches to discrimination against the handicapped, etc. Legislation was analyzed and recommendations were made to the Mayor, notably:

a. Intro 1, pertaining to the amendments to the City Building Code, was signed by the Mayor on June 29, 1971. (To widen bathroom doors.)

b. Intro 28-A, pertaining to safety measures and the use of matrons on school buses, was passed in February, 1971.

c. Intro 525-A, pertaining to expanding parking privileges for physically handicapped owner-drivers, was signed into law on May 26, 1971.[4]

The Subcommittee on Architectural Design and Housing conducted a feasibility study for the installation of an elevator in City Hall. The Subcommittee presented architectural plans and specifications, a cost estimate, and the results of the feasibility study. As a consequence of this work, a City Hall elevator, with an accessible entrance to City Hall, was installed December 1977.

These are random examples of the multitudinous activities which took place, focusing attention on the fact that handicapped people were demanding entrance into the mainstream of life, justifying this demand, and most of all, making

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[4] Ibid. p. 5.

impact on the public and bureaucratic consciousness and conscience. They were ground breaking activities, sweeping in their scope.

But the Mayor's Advisory Committee was a stepchild in the City's administrative composition. It never achieved a formal position in the Table of Organization of City Government. Physical space was found in the Office of Mental Retardation (a Federal project) and the staff consisted of part-time supportive services from an aide to the Mayor. In July 1970, the Office of Mental Retardation terminated as a Federal project, and in August of 1970 was given a separate budget with New York City's Health Services Administration (exclusive of the MAC). Line positions and travel expenses for the newly enlarged staff of the MAC were provided through budget allotment of the HSA. The Committee's full staff included one Coordinator, holding an HSA title, and one secretary, holding a Senior Stenographer title with the Department of Mental Health. The Director of the Office of Mental Retardation gave the MAC about 25% of his time.[5]

This administrative melange continued until Mayor Lindsay switched party allegiance and became a Democrat in order to run in the 1972 Primary election. The Chairman of the MAC was a staunch Republican. The aftermath is best described by Mrs. Fiorito's own words:

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[5] Ibid.

> In 1972, the Committee had not had any substantial contact with the Mayor. So, then I realized that I was writing letters from the Chairman to the Mayor, and writing letters from the Mayor to the Chairman, without anybody ever having talked to anybody--and I'm writing the questions and the answers! I had to make a personal decision whether or not to move forward or to scrap the whole idea.[6]

Fiorito made her move. Stories of this imposing-looking, blind, redhead pounding on doors of commissioners, council members, anyone of influence, or sitting quietly outside their offices during the next two weeks are legion. She finally got a call from the Deputy Mayor. "Is there no way we can shut you up?" he asked. "Create an Office for the Handicapped which would begin to work on the problems," she answered. He requested, and one week later received, "The Report to the Mayor."

1972 was an election year. Leaders in the community of handicapped people had begun to understand their potential political power, and what is more, were awakening the candidates to that potential. The Architectural Barriers Committee, in 1968, using the accessible auditorum of the Bulova School in Queens, initiated the practice of a "Candidate's Night," to which candidates were invited to demonstrate their awareness and sensitivity to the needs of this unexpected bloc of voters. At first, not all came; some sent delegates; some ignored the invitations. Those who hadn't done their homework beforehand were embarrassed by the unexpected level of political sophistication. Council

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[6] Edith F. Lynton, loc. cit., p. 60.

President Paul O'Dwyer and Senator Jacob Javits espoused the cause during their own election fights. A new message was emanating from the physically handicapped community: Votes!

The Mayor's Office For The Handicapped

On December 19, 1972, Mayor Lindsay officially proclaimed, by Executive Order No. 81, The Mayor's Office for the Handicapped. Eunice Fiorito was named Director.

During the course of, and by very virtue of its existence, The Mayor's Advisory Committee had been both a beacon and a clarion call. It had served as a "clearing house" through which further insights were accumulated as to environmental and attitudinal barriers as well as the corrective measures which could accommodate rehabilitated physically handicapped people into the mainstream of life's activities and individual dignity. The common causes of all physically handicapped people, regardless of the kind of disability, became evident. The unremitting plight of the most helpless, without a voice or assistance through the maze of agencies and institutions on which they must be dependent, was exposed as more devastating than previously believed.

With this accrued knowledge and experience, the new MOH set operational and functional target priorities to be completed by May 1973.[7] The executive offices were housed at

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[7]NYC Office of the Mayor, Project Management Staff. Mayor's Office For The Handicapped. Implementation Project prepared for Deputy Mayor-City Administration, April 24, 1973.

250 Broadway, and in a street level facility at 61 Chambers Street, a Center for the Handicapped was established as a one step information and referral service. Designed to reduce bureaucratic complications for those seeking services, the Center intervenes directly in personal crises, and, when necessary, frequently coordinates multiple services for applicants with more than one handicap.[8]

The MOH, representing more than one million chronically handicapped people living in New York City, took its formal position in the Table of Organizations of City Government:

> The nearly one out of nine New Yorkers with a disability impairing functioning more than fifty per cent. That figure reflects only the physically handicapped and the mentally retarded. Acute, short-term disabilities affect yet another quarter-million persons at any given time.[9]

In the ensuing years, the Office continued to lead the way as advocate in the on-going movement for self-determination for handicapped people.

New Federal legislation has added great momentum as the nation now moves to create equal opportunity for disabled people. The knowledge and experience of the MOH are major assets as the City gears up, under penalty of losing Federal funds, to meet the Federal mandates. (Section 504 of the 1973 Rehabilitation Act.)

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[8]Brochure: "Mayor's Office For The Handicapped." New York City, 1973.

[9]Ibid.

In January of 1978, Eunice Fiorito was offered a position with the Health, Education and Welfare Department in Washington, D.C. to establish a network of advocacy groups around the country. She accepted the offer and the newly-elected City administration was faced with the task of finding a new Director.

The handicapped community had always taken a proprietary interest in the Office, freely offering its strength and support in crises (including several budget crises which the MOH survived). Upon learning of Mrs. Fiorito's imminent departure, the community created an Ad Hoc Committee, the aim of which was to be part of a screening process to assist the new Mayor in making a wise and suitable choice. The community succeeded in its aim. The selection process was a slow and deliberate one that took two full months, and Julius A. Shaw was named as the second Director of New York City's Mayor's Office for the Handicapped.

The swearing-in of the new Director took place on March 30, 1978, in the Council Chambers of City Hall before an overflow crowd of politicians, commissioners, friends, and a huge number of members of the handicapped community. This was possible because in December 1977, an elevator had finally been installed in City Hall making it accessible to handicapped people. The elevator was the result of work of the Mayor's Advisory Committee's Subcommittee on Architectural Design and Housing, of which Shaw had been Chairman.

"I can't help but think that if this were a few months ago, we'd all be out in the parking lot," the new Director commented with satisfaction during his press interview.

IV. BUDGET AND ORGANIZATION

"The Mayor's Office for the Handicapped has proved to be among the most cost-effective programs in City Government. Of immeasurable benefit are the far-reaching economic effects of MOH programs; for as disabled persons are freed from dependency and isolation, they become independent, participating members of society who pay for the services they consume." -- Mayor's Office for the Handicapped Annual Report - 1974[1]

"Why is it necessary?"

"What will it do?"

"How will it operate?"

"How much will it cost? - Too much!"

That is the normal sequence of questions--and answers--concerning funding and setting up of a new program. The MOH was no exception. Given the enormity of the task the Office undertook, Parkinson's Law (that once in existence, even an unnecessary government agency or program will remain and expand) has not yetapplied to the MOH.

At its inception in December 1972, the Project Management Staff of the Mayor prepared an Implementation Project for the City Administrator Deputy Mayor, through whom the Office relates to the Mayor. Completed in April 1973, the Implementation Project gave completion target dates of May-June 1973.[2] The Organization Chart projected (see following page) remains

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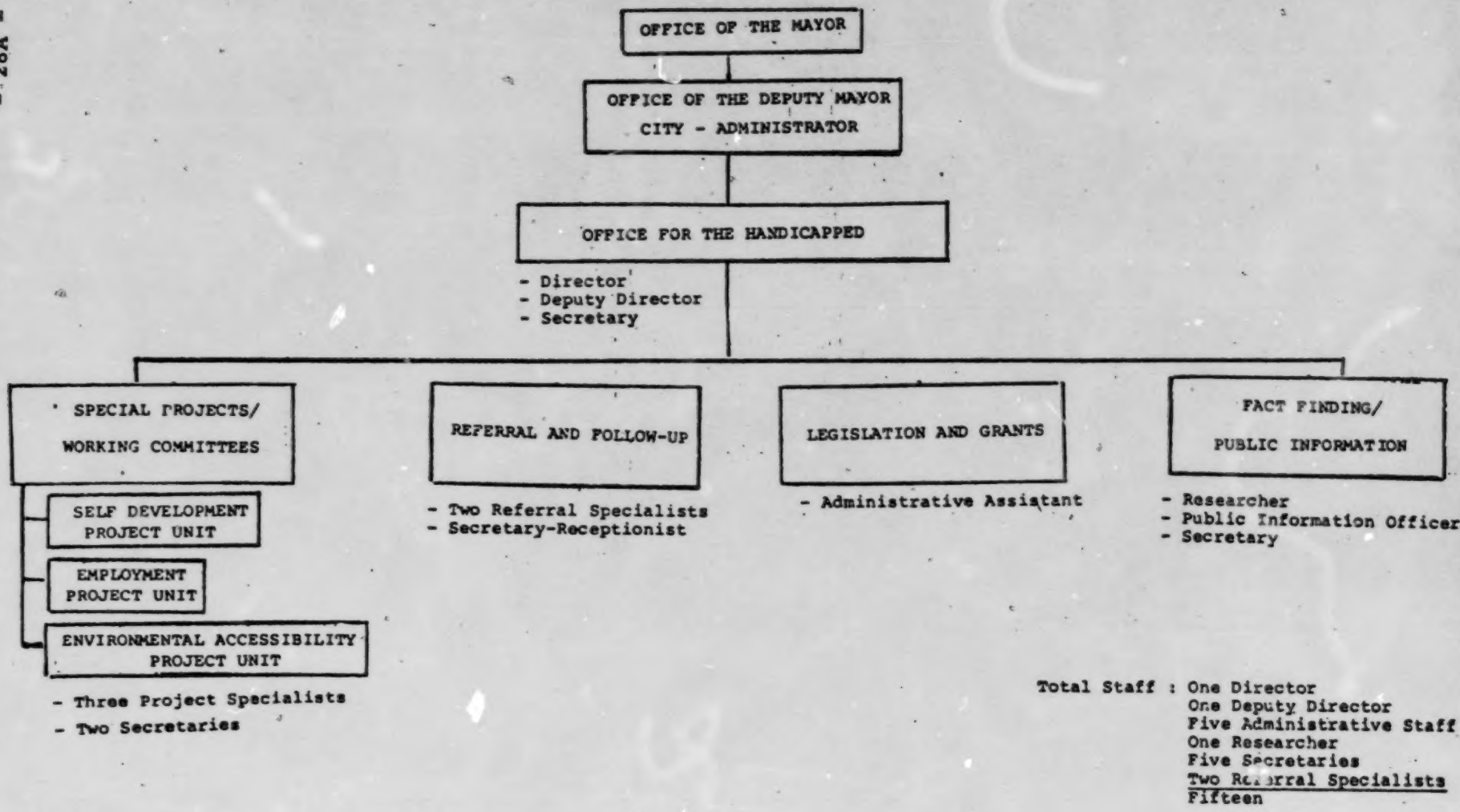
[1]NYC Mayor's Office For The Handicapped, loc. cit.

[2]NYC Office of the Mayor, Project Management Staff, loc. cit.

IV. ORGANIZATION CHART



Total Staff : One Director
One Deputy Director
Five Administrative Staff
One Researcher
Five Secretaries
Two Referral Specialists
Fifteen

basically the same in April 1978. With two locations--executive offices and a Referral Center for the Handicapped, the total budget allowed personnel costs at $175,000 annually for an initial staff of fifteen people. By comparison with other programs, spartan; by comparison with the defunct Mayor's Advisory Committee, luxurious and promising ability to attack the problems.

Requirements for the Director, Deputy Director, Coordinators and Supervisors were set at a Master's Degree in Social Service, Public Administration, or Health and Rehabilitation, depending on the title, plus defined years of experience including work with the handicapped population, or the equivalent in education, training and experience. An implied requirement was that the Director be physically handicapped.

The building blocks of the Office contained the following areas: 1) Special Projects and Working Committees -- in housing, employment, transportation, self-development, etc.; 2) Referral and Follow-Up--at the Center for the Handicapped, to perform Ombudsman-like assistance in referring handicapped people to particular services and representing them in problems with City services, plus follow-up and documentation of cases; 3) Legislation and Grants--by appraising, preparing and testifying in relation to relevant new legislation, and finding sources for grants, preparing grant applications and representing the City in matters of legislation or funding;

4) Fact Finding and Public Information--which means analyzing and documenting the needs, adequacy of services, and a profile of the handicapped population in the City, as well as publishing the information or for use and distribution to the media.[3]

By the end of June 1973, the Office was operating and functioning according to the priorities of the "Implementation Project": The executive offices were installed at 250 Broadway and the Referral Center opened at street level at 61 Chambers Street; staff had been hired and trained; office procedural systems developed; working committees, legislative priorities, intra-agency meetings, and preliminary program plans in three project development areas established. The MOH was in business.

To understand the "budget" for the Office, it must be remembered that the MOH exists by executive order and acts as an administrative arm of the Mayor's Office. It is not a department by itself. Thus, there is an indirect relationship between it and the City Treasury. Rents and utilities are paid by the Mayor's Office and "lines" are assigned from other Departments. According to the MOH 1974 Annual Report, of its fifteen employees: four belonged to the Office of the Mayor, three to the Department of Personnel, three to the Health Services Administration, and one to the Model Cities Administration.

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[3] Ibid.

The OTPS (other than personnel services) budget was divided between the Health Services Administration and the Mayor's Office. Money for the MOH Summer Employment Program depended on funding allocated by the Youth Services Agency. (More than one thousand disabled high school and college students had so far been placed in meaningful summer jobs).[4]

Since a balance sheet showing cash flow for the report year would obviously be difficult to compile under these circumstances, rough estimates were given in the Annual Report - 1974, in an attempt to show cost-effectiveness:

COSTS		
Staff Salaries	$150,000	
Fringe Benefits	47,000	
Total OTPS	21,000	
TOTAL BASIC OPERATING COSTS FOR MOH IN 1974:		$218,000
MOH Summer Employment Program (salaries and transportation):	80,000	
TOTAL EXPENDITURE OF PUBLIC FUNDS FOR 1974:		$298,000

During 1975, interns, volunteers, and subsidized manpower trainees provided services with an estimated market value in excess of $30,000. During the first three months of 1975, this ancillary staff was expanded to a value in excess of $72,000 per annum. Services of a professional nature account for more than two-thirds of this figure.[5]

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[4] Ibid.

[5] Ibid.

As relative modest as these figures appear, during the 1974 budget hearings the Office was going to be eliminated. The handicapped community, rallying to the cause, couldn't testify at the Board of Estimates' hearings because City Hall, where the hearings were being held, was as yet inaccessible. Members of the community picketed in front of City Hall until offices in an adjacent accessible building were taken, and utilized closed circuit television to and from the hearings. With the testimony of the community, the budget was approved and the MOH saved.

"We are now up to approximately 30 people--CETA and people on loan tous--so we are now at our highest peak in terms of manpower," Allison, the Acting Director, said in March 1978. Approximately 50% of the staff are people with various physical handicaps or mentally retarded. Assistive devices include cassette tape recorders and a braille typewriter. Braille slates, which "are hand instruments to write in the braille system," are used for notations and dictation. "They range from pocket to desk size."[6] A mutually successful system of communication with the several deaf employees has been unofficially worked out, although efforts are being made to upgrade the staff and get a sign language interpreter.

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[6]Interview with Catherine Thomas, Non-Competitive Programs Coordinator for MOH (who is herself blind), March 6, 1978.

V. ACHIEVEMENTS AND LIMITATIONS

"I would say that, in the field of housing, the (MOH) lack of official sanctions or participation within the housing system is a problem...Nevertheless, I don't think that this is an overwhelming barrier. As an office which continues to provide information, technical assistance and advocacy, we do not need to be in a direct relationship to housing as an operating agency. I would say the problems are more in terms of the reluctance or fear on the part of other City agencies in getting into the whole field of housing for the mentally or physically handicapped because they have the same biases and stereotyped attitudes--and rejecting attitudes--as society at large." --Carroll Kowal, MOH Coordinator of Housing.[1]

ACHIEVEMENTS

"This office will stay open, and it will be open twenty-four hours a day on 12 hour shifts," the MOH staff was told by the new Director and the Deputy Director at a staff conference the day before the ominously impending NYC 1978 transit strike. "For those for whom we can't arrange transportation, we will set up cots and have on hand important supplies such as coffee and cigarettes--but we stay open!" Logistics for the sharing of transportation, food, clothes and time schedules were then organized by the staff of which more than 50% are themselves blind, deaf, mentally retarded, or in a wheelchair, as is the new Director.

The MOH was preparing itself to serve the emergency needs of individual handicapped New Yorkers for whom a transit strike could be a life or death situation. Many phone calls from terrified people who were helpless and incontinent or in some manner totally dependent on home attendants unable

[1]Interview with Carroll Kowal, MOH Coordinator of Housing, March 3, 1978.

to get transportation during a transit stike had already been received, and alternatives arranges. (Transportation to dialysis treatment, food, survival itself were threatened.)

"The meals on wheels program let its staff go home early during this winter's snow emergency, and people went hungry. That won't happen during this strike," the Deputy Director said staunchly.

Since 1973, handicapped New Yorkers have had a telephone number to call for know-how and help in emergencies because of the existence of the MOH. This individual human aspect could be the finest accomplishment of the Office. A 12 page booklet contains one line entries, listed chronologically, documenting its many activities and breakthroughs from 1973 through 1977,[2] substantiating the multi-areas delineated in the initial "Implementation Project."[3]

In 1973, New York City's Mayor's Office for the Handicapped was singular in the United States as it set about smashing old concepts, declaring through its "Bill of Rights" the human rights of the handicapped population, as well as providing technical assistance in order that handicapped persons could be able to enjoy full citizenship and partake in the mainstream of life. While New York City was in the vanguard at that time, the United States government, through

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[2]NYC Mayor's Office for the Handicapped, Milestones, Activities and Achievements of the Mayor's Office for the Handicapped, 1973-1977.

[3]NYC Office of the Mayor, Project Management Staff, loc. cit.

the new legislation of Section 504 of the Rehabilitation Act of 1973 and PL 94-142, has caught up with and far surpassed original hopes and expectations. It may well be that through its accrued knowledge and experience, the MOH will help New York City save billions of dollars in Federal funds which could be withdrawn if the City doesn't comply with the new laws.

By listening to its constituency, through trial and error, by reach-out and consciousness-raising among handicapped people, inter-agency liaison, and enlightening professionals in employment, education, transportation, social work, consumerism, architecture, legislation and politics--name any related discipline the MOH has touched on the consciousness of the disabled and able-bodied populations.

The newly-appointed Director of the MOH, as a pioneer activist in the handicapped community, was asked in an interview to don his hat of community leader and answer, "What do you consider to be the major accomplishments of the Mayor's Office for the Handicapped?" He replied:

> It put the existence of disabled people on the map. It made citizens, residents of this City, aware of the fact that there were disabled people, that we have rights, that we intend to pursue those rights, that we were real human beings--that if you pricked us we bled, and if you got in our way we might just likely roll over you. We went into the street demonstrating sufficient times to make that kind of impact. We offered testimony at legislative hearings of all kinds. We were successful in seeing to it that whenever hearings were held on legislation of particular concern to us, that they were held in accessible buildings.

> The MOH was a vital part of that process and as a community leader, I was grateful to it for its help, grateful to it for showing the way to so many other people, and proud of the fact that I had helped to create it.[4]

In spite of these efforts, and the rising swell of action for the plight and rights of handicapped people all over the country culminating in the new federal laws, awareness and acceptance remain at the level of noticing a pea rolling off a table on the part of many in the general population, while unrealistic and extreme anticipation for an instantly changed lifestyle prevails for many in the handicapped population. The need of the services that the Office provides rises in geometric proportion as the need to redesign old environmental and attitudinal barriers becomes increasingly manifest and mandated.

LIMITATIONS

The achievements and accomplishments of the MOH are all the more amazing when one has analyzed its budget, its available staff and the administrative bureaucracy in which it is enmeshed.

The "Job Fair" is an unprecedented event planned by the MOH to bring prospective employers and handicapped employees together. Originally scheduled to take place in May, it has had to be postponed until September 1978 because of lack of staff. Ruefully, the Coordinator of the Project said:

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[4]Interview with Julius A. Shaw, Director MOH, April 19, 1978.

> We have no control over funding, staffing, or administrative needs. When we need something, we have to go through everybody and his grandmother from the Comptroller all the way down. In order to receive any grants--even were we to receive a private one--to supply staff on the ongoing process this project requires would be impossible unless the money were patched into the City Budget. We need Department status for a code of our own, making dealing with other agencies unnecessary.[5]

The Coordinator of Non-Competitive Programs working with jobs programs in New York State and New York City Civil Service, has helped to successfully place hundreds of people with varying mental and physical handicaps in positions on a non-competitive basis. She was candid:

> There aren't enough telephones or space. We have to share desks. Each of us is given five or six totally different areas to work in without becoming proficient in any special one area--at least I haven't. I think at times that I have harmed people because of lack of knowledge that I should have. However, we muddle along the best way we can. I don't want to sound as if the Office is a total failure--it's not!"[6]

The referral and information Center at 61 Chambers Street handles direct complaints and requests. The Supervisor pleaded eloquently concerning the need for Centers in all five boroughs. Hearing impaired in both ears, he uses a screw-on sound amplifying device for the phone receiver. He said:

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[5]Interview with Catherine Thomas, MOH Coordinator of Non-Competitive Programs, March 6, 1978.

[6]Interview with Deborah Belsky, MOH Coordinator of Non-Competitive Programs, March 6, 1978.

> We have no TTY--which is a special telephone for the deaf--although $500 was raised to donate a phone by a private foundation for the deaf. The MOH cannot accept it because we can't have one salary line to give to a qualified person. The position requires a background of counseling and knowledge of sign language to operate it and deliver counselling services. We can't fulfill necessary, basic responsibilities because we lack staff and a budget and equipment.[7]

The coordinator of Housing listed the internal limitation of the MOH as "The space problems, insufficiency in terms of telephone lines and appliances and the limited clerical staff," in order that:

> ...the professional staff can get out there and do the job that has to be done. The more we do that job that has to be done, the more the attitudes, awareness, inter-agency relationship problems will be gradually resolved. If we are constantly handicapped by the operation of the Office, then the whole process takes much, much longer.[8]

The Acting Director said:

> We are an executive order agency, which means that the Mayor, if he wishes to get rid of us in a fit of pique, can issue an executive order dissolving us. We are not a creator of the legislative branch of government. I don't mean that the Mayor is going to do that. He has been a very avid and firm supporter of disabled people for a long time. But it's symptomatic of the importance which has been given to problems of disabled people. Even though the population is so huge--government has not really been willing, until very recently, to put its money where its mouth is.[9]

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[7]Interview with Richard Seltzer, Supervisor of Mayor's Center for the Handicapped, March 3, 1978.

[8]Interview with Carroll Kowall, MOH Coordinator of Housing, March 3, 1978.

[9]Interview with Larry Allison, MOH Deputy Director then Acting Director, March 3, 1978.

Up until the incoming Director and his "honeymoon period with the new administration" began, the office had not been able to acquire a direct phone line so necessary between the executive Offices and the Center.

Since New York City is in financial straits, these complaints may have a similar ring to those heard in all offices of City government struggling to keep a status quo, trying desperately to keep pace with last year's performance. But herein lies the difference: The Mayor has given the MOH "the responsibility of coordinating the entire City's compliance effort toward meeting the mandates of Section 504. That is, to see that eachand every agency receiving Federal funding makes its programs and employment practices discrimination free."[10] The Office will now be in the unique position of not only being advocate but to some extent having the power to enforce what is being advocated. The MOH will now play the role of watchdog and instructor of all the agencies which by non-compliance could make New York City lose Federal financial assistance.

It will be interesting to see the new budget for the MOH on July 1, 1978, as well as how the City Council will move on the many bills already introduced for the making of a Department for the Handicapped.

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[10] Interview with Julius A. Shaw, MOH Director, April 19, 1978.

VI. COMMUNITY PARTICIPATION AND INTERACTION

Mailgram to Mayor Edward Koch, January 5, 1978:

"Leaders of the handicapped community representing 15 organizations with a membership of more than 100,000 people with various disabilities, parent organizations and providers, met on January 4, 1978, and unanimously passed the following resolution:

> That we constitute a screening committee to make recommendations and to assist Mayor Koch in the selection of a Director of the Mayor's Office for the Handicapped and any deputies thereof.

"The Office for the Handicapped is the voice of the disabled community in City Government. The Office must be directed by a handicapped person of broad experience and knowledge of the needs of people with different handicaps and knowledge of the workings of City government.

"We therefore urge a meeting between you and a representative group of us at the earliest possible date. We urge that no action be taken until this meeting occurs." --
AD HOC COMMITTEE FOR THE MAYOR'S OFFICE FOR THE HANDICAPPED

By 1977, Eunice Fiorito's New Year's Eve party was a tradition-- a joyous annual reunion of friends and acquaintances not only from New York City but from across the nation and the whole world. A night to celebrate, and relax with nostalgic jubilation over the battles which had been won. This was certainly a year to rejoice over. Sit-ins by handicapped people throughout the United States had culminated in the signing of the HEW regulations implementing Section 504 of the Rehabilitation Act of 1973, and P. L. 94-142 was also a law to be proud of. Handicapped citizens had played an active role in electing President Carter, and every Mayoral

candidate in New York City had involved handicapped people to help in the campaign, aware of the voting power of disabled New Yorkers.

1978 was noisily cheered in and by 1:30 A.M., only New York City people were still at the party drinking coffee. Everyone there had contributed to the MOH in some way--fighting to keep it alive, demonstrating for its budget, donating expertise and work to supplement the paid staff. Questions and rumors had been a minor theme throughout the evening. Finally someone asked directly: "Eunice, we hear that Mayor Koch is not keeping you on as Director. Is this true?"

"Yes," she answered. "I met with the Mayor on Friday. We've been friends for a long time. I told him that HEW had offered me the position of organizing a national advocacy movement. I told him that if I were to remain as Director, I had three demands:

> "1. An increase in staff commensurate with the Office's growing responsibilities.
>
> "2. More demonstration for the Office on the part of the Mayor.
>
> "3. An increase in salary to make it comparable to that given other Agency heads.
>
> "The Mayor did not agree with my priorities. So, by mutual consent, I will be leaving and accepting the Washington position."

Individual voices rang out:

> "Then the rumors are true. I've heard so-and-so and so-and-so were being interviewed."
>
> "Either one would be a catastrophe."

> "I've heard the Office is to become part of the Human Resources Administration."
>
> "We'll be lost in their administrative tangle."
>
> "We're back to being a political football--back to square one."
>
> "Without anything to say."

Gloom and consternation overtook the group. Even personal concern and congratulations for Mrs. Fiorito and her new job were forgotten.

> "The MOH is ours. We've got to have some say in who is chosen. We've done it before and we'll do it now. Let's get the whole community together--consumers, parents, providers, including all the disabilities--and let them know we're not going to be a political football!"

An apartment was offered to house the meeting.

On January 4th it was held. With two days notice, 37 leaders representing 100,000 disabled people had the first meeting of the Ad Hoc Committee for the Mayor's Office.

During a suspenseful, rumor-laden January, four meetings took place with the following results:

1/4/78 - UNANIMOUSLY AGREED - Resolution:

> That we constitute a screening committee to make recommendations and to assist Mayor Koch in the selection of a Director of the Mayor's Office for the Handicapped and any deputies thereof. That a smaller group is to be selected to draft the message to the Mayor.[1]

Mailgram to that effect sent 1/5/78.

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[1] Ad Hoc Committee for Director of Mayor's Office for the Handicapped. Unpublished "Minutes," January 1978, 1/4/78.

1/9/78 - UNANIMOUSLY AGREED - Minimum standards for Director, acceptable to community:

1. "Handicapped in a major area of life" as described in Section 504 of the 1973 Rehabilitation Act.

2. Demonstrated and proved administrative experience.

3. Knowledge of and experience with varied disabilities.

4. Knowledge of and experience with governmental functions.

UNANIMOUSLY AGREED - Telegram and telephone campaign:

All organizations, including the original 15 and all others who could be contacted, to send telegrams to the Mayor and to include the following:

- Re: Ad Hoc Committee for the Mayor's Office for the Handicapped.

- My organization is_____representing_____people.

- Insist you meet with us before a choice is made for Director.

- We represent the broadest and largest cross section of the handicapped community in New York City.

- A meeting no later than 1/16/78.

- Send reply to agreed upon contact person, name and telephone numbers given.

UNANIMOUSLY AGREED - Follow-up plans: (A) If no appointment has been made--Demonstration in order to be part of screening process; (B) If appointment has been made--Demonstration because community did not have input; (C) Schedule a City Hall meeting with the Mayor and invite the press.[2]

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[2]Ibid., 1/9/78

1/16/78 - Copies of telegrams sent to the Mayor and the number of people each organization represented were read aloud. The telegrams represented at least 1/4 million people. All telegrams had named 1/16/78 as target date, affiliation with the Ad Hoc Committee for the Mayor's Office, and the same contact person with telephone numbers included. NO WORD RECEIVED FROM CITY HALL.

UNANIMOUSLY AGREED - Plan for action: A sit-in at City Hall of 12 to 15 people scheduled for Thursday, January 26th; outside demonstrations to be continuous for short spans by each organization; responsibilities for outside permit, bullhorn, fliers and releases, sandwich signs assigned. ALL to play some part.[3]

However, on January 17th, City Hall called the contact person to advise that as a result of the telegrams received by the Mayor, a meeting had been called for January 25, 1978, in the Blue Room, with Deputy Mayor Ronay Menschel (Deputy Mayor for Inter-Governmental Relations), Victor Botnick (Assistant to the Mayor) and Larry Allison (Deputy Director of the MOH) - for the City - and representatives of the Ad Hoc Committee for the Mayor's Office for the Handicapped.

1/23/78 - Briefing meeting for those of Ad Hoc Committee who were to be representatives at the City Hall meeting. In order to close ranks, it was UNANIMOUSLY AGREED that:

1. There would be no "private agenda " brought by any of the members.

2. The Ad Hoc Committee must be at least a representative proportion of a screening talent search panel for the new Director.

3. The Ad Hoc Committee basic minimum standards for Director be a major part of any standards for that position.

4. The Mayor agree to choose from amongst the group recommended by the screening panel after it evaluated and interviewed candidates.

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[3]Ibid., 1/16/78

UNANIMOUSLY AGREED - Selection of representatives for screening panel:

1. Choice of who would serve would be determined by caucus after agreement at City Hall;

2. No candidate for the Office or spouse to be part of screening panel.

UNANIMOUSLY AGREED - In the event of being denied input and representaton on a screening panel from whose 'acceptable' list the Mayor would make a choice, further actions would include:

1. Going immediately to Press Room to inform reporters.

2. Demonstrations, etc. to be determined at an immediately called meeting.[4]

The City Hall meeting proved successful. Ten names were submitted and approved to represent the Ad Hoc Committee on the screening panel.

After the reading of resumes and the interviewing of all candidates, in February three names were sent to the Mayor as acceptable to the entire screening panel.

Mayor Koch named one of the three as Director, who on March 30, 1978, was sworn in at City Hall.

On January 26, 1978, in a final Memorandum to the Members of the Ad Hoc Committee re: the City Hall Meeting, the contact person wrote:

> The work of our Ad Hoc Committee from January 4th to the present has been the finest example of community cohesiveness and united action it has ever been my privilege to be part of. We have shown once again that our community is a viable force that can and will respond to situations and therefore must be reckoned with in the future.[5]

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[4] Ibid., 1/23/78

[5] Ibid., 1/26/78

VII. MINORITY STATUS FOR HANDICAPPED PEOPLE AND EXPANDING RIGHTS

"Disability, as a minority status, is one without heritage. The cultural traditions are learned from peers, and it is a culture of perceived weakness, pity and dependence -- images that society has of disabled people. From our experience, it is important that community-based groups of disabled people be created...and involved in advocacy for full implementation of our civil rights." -- Robert Funk, Disability Law Resource Center Director[1]

The right to have an equal opportunity is a major philosophical tenet of the American experiment in democracy.[2]

"Minority status" is legal recognition that a smaller group in the community, because its people are different in some way from the majority, has been systematically discriminated against and the rights of those citizens thereby abridged.

Other than handicapped people, however, every other group with "minority status" has at some time, in some place in human history, had its moment of ascendancy. This applies to race, religion, sex, national origin, old age, even sexual preference. Heretofore, handicapped people have been the cast asides of every social organization. Beginning with the atavistic rationale of group self-protection, the able-bodied

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[1]Robert Funk (DLRC Director), "Disability Law Resource Center Assists Disabled to Lead Independent Lives," Amicus, Vol. 3 No. 1. (Jan./Feb. 1978), pp. 39-40.

[2]The American Heritage Dictionary defines "democracy" as "3. A social condition of equality and respect for the individual within the community."

populations have been indoctrinated to fear, pity, scorn, abhor or abuse those of different physiques, sensory abilities, or developmental disabilities. This brainwashing has been so complete, that when deprived of a limb, sight, hearing or speech, subject to an epileptic seizure, or unable to learn in the same way as the "norm" is perceived to be at the time, the impaired person has often voluntarily retreated to the despair and isolation the particular culture has imposed on the handicapped. The brain-washing is so complete that even the loss of a finger can be sufficient reason for this voluntary self-exile. Moreover, if the handicapped person should attempt to break these strictures, he would indeed be kept out by the handicapping conditions imposed by a world which in its design has taken no cognizance of the special needs of its cast-away people.

Yet what is "normal"? A person who has recovered from an illness and shows no physical difference from the acceptable physically able person of that society, is taken back into the mainstream. Should there be a disability which cannot be discerned, that person is likewise deemed safe. The visible standard of normalcy is a changing one, however. For cosmetic purposes, peoples have bound infants' feet, elongated lips, acquired scars and tattoos, deformed their bodies with corsets, and today women will remove teeth to hollow their cheeks. Normal?

In the 1920's Dorothy Parker wrote:

Men seldom make passes
At girls who wear glasses.

Today, glasses (an assistive device) are an adornment worn whether or not the eyes need correcting. So acceptable that a hearing aid which can be worn on the earpiece of an eye-glass frame has been a great relief to the hearing impaired person--it won't show as different from the norm. Times have changed.

Normal? It is normal for the person born with fingers attached to shoulders to be that way.

"How dare they call my life a tragedy?" protested a young, militant college student with cerebral palsy. She was part of a panel on Channel 13, and though it took time to adjust to her labored speech, the message was clear.

Franklin Delano Roosevelt, paralyzed from polio, was the only President of the United States to be elected four times; Milton, the poet, was blind; Beethoven wrote his greatest symphony--the 9th--when deaf; Ceasar was epileptic. The names of successful disabled people go on and on, yet the myths of inadequacy, punishment for past sins, and the entire body, mind, and psyche overtaken by one's disability flourish. Many of our laws still refer to a physically handicapped person as "the patient," making no distinction as to the stage of rehabilitation.

By denial of employment, education, access, mobility, communications assistance, and fundamental civil and human rights, many otherwise qualified people have been forced to remain "patients."

With this background, the legislative changes over the last twelve years are disclosed as even more revolutionary than their basically civil rights wording. Many of these laws have been enumerated in other sections.

New York City may well take pride in the leadership shown by its handicapped citizens. "A right and not a privilege," New York City's handicapped citizens rallying call concerning the Special Vehicle Identification Permit in 1971, may well be the motif for altering those areas which will allow handicapped people to enter the mainstream of life.

President Carter announced that 36 million Americans are disabled, according to the definition of Section 504--1/12th of the nation. New York City's MOH places the figure at "One in Nine," the name of its radio show. Whichever figure is chosen, the expanding life span of Americans means that still more people who would previously not have survived impairment will do so in the immediate future, further increasing the handicapped population.

The rights, fought for by the handicapped activists, advocacy and technical assistance in making changes, for which

the MOH served as a model to the country, the new laws protecting the rights of handicapped citizens, as a recognized minority--entitled to their civil and human rights for equal opportunity--may yet allow a "full and productive life"[3] for every handicapped American.

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[3] The goal espoused "for every handicapped New Yorker" in the MOH Brochure, loc. cit.

VIII. FUTURE

"Dare we demand independence and court the coolness of a world that values us as dependents? Dare we be independent, forfeiting the perquisites that are our natural lot--sympathy, holiday treats, the mystique of uncomplaining courage? Dare we, by our freedom of speech and spirit, jeopardize the generous contributions to medical research, community service, and people in need? Dare we brave the loneliness of those who stand sentry for liberty? Indeed, we do dare. Strengthened by our conviction as to the propriety of providing and preserving pride and dignity for us all, we pledge each and every one of us in our separateness and unity of action to right ignobling wrongs against the disabled. We will challenge until victory age-old affronts and all future acts that limit our right to full citizenship and human worth, lessen our claim to life, liberty, and the pursuit of happiness. There is life to be lived, and we would do all, dare all, to live it." -- from the "Declaration of Full Citizenship and Human Worth"[1]

On April 28, 1977, when signing the new Regulations governing the enforcement of Section 504, Secretary Joseph Califano of the Department of Health, Education and Welfare stated that the law on which the Regulations were based "reflects the recognition of the Congress that most handicapped persons can lead proud and productive lives despite their disabilities." He said that the 504 Regulations "... will usher in a new era of equality for handicapped individuals in which unfair barriers to self-sufficiency and decent treatment will begin to fall before the force of law."[2]

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[1]F. H. Russell, Director, Community Activities for the Disabled, Metropolitan Dade County, Florida. The Challenge of America's Third Century - Independence for the Disabled, a document. (Florida: Dade's Employ the Handicapped Committee, in cooperation with Communications - Office of County Manager, 1976.)

[2]U.S. Dept. of Health, Education, and Welfare. Section 504 of the Rehabilitation Act of 1973--Fact Sheet: Handicapped Persons - Rights Under Federal Law. July, 1977.

The HEW Regulations make it clear that the protective reach of Section 504 is meant to include the rights of all handicapped people, whether or not they are able to be employed, including the least educable children. It is truly the civil rights act for handicapped people.

By Executive Order 11914, the HEW was required to set forth its Rules and Regulations to implement Section 504 and coordinate government-wide enforcement. Using the HEW Regulations as guidelines, every other Federal agency that provides Federal financial assistance is required to issue its own Regulations to implement this Act.[3]

Accordingly, draft Regulations from other Federal agencies have been promulgated, identified below with the date by which comments must be received:

Federal Home Loan Bank Board - 5/30/78

National Foundation on the Arts & Humanities - National Endowment for the Humanities 6/12/78

Department of the Treasury Revenue Sharing - 6/13/78

Department of Housing & Urban Development - 6/19/78

National Foundation on the Arts & Humanities - National Endowment for the Arts - 7/1/78

National Science Foundation - 7/14/78

In a shrinking economy, the additional cost burden is the one most frequently alluded to. While burdens and costs

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[3]US, "Implementation of Executive Order 11914," Federal Register Vol. 43, No. 9, January 13, 1978

provide no basis for exemption from Section 504, the economic and inflationary impact must be carefully examined and included in all proposed Rules and Regulations. The economic increases resulting from the inclusion of this large minority balance favorably against the preliminary costs. The Federal Register (Vol. 43, No. 72: 15458) of April 13, 1978, contains the proposed Rules for the National Endowment for the Arts which states:

> In connection with the cost of accessibility it should be pointed out that recent evidence indicates that the average cost of converting buildings for architectural accessibility actually is quite reasonable.

It is the responsibility of all affected or interested parties to study these Regulations to ascertain that their wording embodies the intent of the law. To that end, the MOH notified community members, enclosing a packet of the new proposed Regulations, prior to drafting commentaries for each.

Conclusions:

The laws have been passed, Regulations written, a gigantic, bureaucratic wrecking ball is poised to swing against the physical and attitudinal barriers which have excluded handicapped people for centuries.

Ponderous (and meaningless) grant proposals, written by experts in grant-writing, who, until now, have never been involved with and still cannot fathom the "humanity" of handicapped people or their problems, have already been funded.

Agencies attempting to evade their responsibilities and inter-agency buck passing expose rampant disbelief in the intent of the laws and Regulations. It is even understandable why overworked civil servants will find it difficult to set the jargonese blocks of new directives into the appropriate spaces of their own departments' jig saw puzzles. This will continue unless and until the courts or actually withheld Federal finances prove otherwise.

Plans for legislative exclusion from Section 504 have begun -- especially in transportation.

Scare stories, some of which will undoubtedly be true, will proliferate. In April 1978, at the hearing held in New York City on the New York State draft plan to implement PL 94-142, the United Federation of Teachers' spokesperson asserted: "New York City has been wrestling with the problem of children who were sent from institutionalized State schools into the public schools. About 50 of these were carriers of Hepatitis B virus."

On May 1, 1978, at the annual meeting of the American Coalition of Citizens with Disabilities (ACCD) held in Arlington, Virginia, an aware, handicapped delegate said:

> Even if all the laws and Regulations, including intent, were carried out tomorrow, there would probably be very little noticeable change in the activities of most handicapped people.

Age old attitudinal barriers cannot fall easily.

Nor will the laws and Regulations be readily understood or thoroughly implemented immediately.

The handicapped community--including individuals, organizations, parents, providers and advocates--must become very sophisticated and knowledgeable as to their rights.

A Department for the Handicapped is needed in New York City, and Federally as well, to adequately respond to the needs of handicapped people.

Consciouenss-raising groups, sensitivity training, and revised curriclums for professionals in related areas should begin at once with direct input from consumer leaders.

Employment opportunities for all handicapped people who are ready and able to work are an immediate priority.

The time has come, the stage is set, for a civilized new era when the only fear a handicap will bring will be a rational awareness of the limitations the impairment itself imposes; when, because all have become accustomed to living alongside people whose bodies or responses may be different from their own, relationships may be based on the innate human qualities of people rather than surface manifestations; when, at last, the golden rule may become a truth instead of a truism.

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